

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Access 220, LLC Request for Waivers To)	WT Docket No. 02-224
Provide Band Management Services Utilizing)	
Licenses in the 220-22MHz Band)	

To: The Wireless Telecommunications Bureau

COMMENTS OF TEXAS LICENSE CONSULTANTS

Texas License Consultants (“TLC”), by its counsel, and pursuant to the invitation extended by the Wireless Telecommunications Bureau (“Bureau”) in its Public Notice (“Public Notice”)^{1/} in the above referenced proceeding, hereby submits its comments responsive to the request for the waiver by Access 220, LLC (“Access 220”) of certain eligibility and construction rules governing the 220 MHz spectrum.^{2/}

I. Background

TLC is a provider of communications equipment and services in the Houston, Texas area. TLC’s principal has been involved in the two-way radio business for over 20 years in a variety of capacities, including as an owner of 220 MHz systems. TLC’s principal was the successful high bidder for spectrum, formerly licensed for paging operations, that will be used to provide two-

^{1/} *Wireless Telecommunications Bureau Seeks Comment on Access 220, LLC Request for Waivers to Provide Band Management Services for Utilizing Licenses in the 220-222 MHz Band*, WT Docket No. 02-224, DA 02-1939 (Aug. 6, 2002).

^{2/} *Request for Waiver of Access 220, LLC, To Provide Band Management Services Utilizing Licenses in the 220-220 MHz Band* (July 3, 2002) (Access 220 Request).

way radio services in Houston and surrounding areas.^{3/} Moreover, the Federal Communications Commission (“FCC”) has consented to the assignment of 220 MHz spectrum to TLC in the Houston area. As a provider of two way radio services over 220 MHz systems, TLC is interested in any proposal that will have an impact on the provision of services in that spectrum. Accordingly, TLC is pleased to have this opportunity to submit these Comments.

II. Comments

TLC does not object to Access 220’s request that the FCC permit it to operate its authorized spectrum as a band manager. Nor does TLC object to Access 220’s proposed waiver of the specified construction requirements. TLC is concerned, however, that the operation of 220 MHz spectrum, in the manner proposed by Access 220, may cause harmful interference to narrowband co-channel licensees and/or adjacent channel systems in general and TLC’s operations in the Houston, Beaumont, San Antonio, and Austin Texas Economic Areas in particular.

TLC and other 220 MHz licensees use equipment designed to accommodate the 5 kHz spectrum blocks authorized by 220 MHz licenses. It appears that Access 220’s ultimate goal is to eliminate the interleaved nature of the 220 MHz band by acquiring contiguous 220 MHz licenses and then allow the lessees of its spectrum to conduct operations over such consolidated spectrum using technology developed by Motorola.^{4/} TLC is concerned that the use of such technology over such a consolidated spectrum block will result in harmful interference to incumbent co-channel and adjacent channel licensees.

^{3/} *Lower and Upper Paging Bands Auction Closes, Winning Bidders Announced*, Report No. AUC-01-40-N (Auction No. 40), *Public Notice*, DA 01-2858, Attachment A at 4 (Dec. 11, 2001).

^{4/} *Access 220 Request* at 8.

TLC recognizes that the FCC's rules specifically contemplate that licensees may "aggregate" 5 kHz channels and permit licensees to observe the emission limits and frequency stability at the "outer" edges of an aggregated band.^{5/} TLC also recognizes that the FCC's co-channel separation requirements are designed to prevent licensees operating on aggregated channels from interfering with operations conducted on 5 kHz channels. Nonetheless, TLC remains concerned about the possibility of interference from such aggregated spectrum. It urges the FCC to carefully monitor the implementation of Access 220's system and respond promptly to reports of harmful interference.

III. Conclusion

Texas License Consultants hereby submits the foregoing comments and urges the Commission to act in a manner consistent with the recommendations made herein.

Respectfully submitted,

Texas License Consultants

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^{5/} 47 C.F.R. 90.733(e) (2001).

CERTIFICATE OF SERVICE

I, Angela Brunson, hereby certify that on the 26th day of August 2002 a copy of the foregoing "Comments of Texas License Consultants," was filed electronically on the Commission's ECFS System, and copies were served via the methods noted below on the following:

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